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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/979,810	11/25/97	ONO	ASA-689

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EXAMINER

MORGAN, G

ART UNIT

PAPER NUMBER

2761

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

08/979,810

Applicant(s)

Ono et al.

Examiner

George Morgan

Group Art Unit

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☒ Responsive to communication(s) filed on Mar 10, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1035 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

- ☒ Claim(s) 1-14, 17-22, 25, 26, and 29-36 is/are pending in the application.
- Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☒ Claim(s) 1-14 and 29-36 is/are allowed.
- ☒ Claim(s) 17-22, 25, and 26 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- ☐ Notice of References Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 13
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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## DETAILED ACTION

### *Continued Prosecution Application*

1. The request filed on March 10, 2000 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 08/979,810 is acceptable and a CPA has been established. An action on the CPA follows.

### *Claim Rejections - 35 USC § 103*

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 17, 19, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Camaisa et al., U.S. Patent No. 5,845,263.

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As per Claim 17, *Camaisa et al.* disclose a client connected to a server for providing electronic commerce services to receive the electronic commerce services, comprising:

an order transmitting device for transmitting an order for a product on the electronic commerce in response to an input by a user to said server through a communication network [See col. 16, line 40 to col. 17, line 33 (Section VII.) describing remotely ordering of food over the Internet], receiving from said server trading information including a trading identifier associated with said order [see figure 14, "Order I.D."] and data on the contents of said order from said server, and storing said trading information in a storage device [see figures 10-12 showing pictures of the food, ingredients, nutritional information, and preparation], and storing said trading information in a storage device [inherent in a computer system];

a trading information acquiring device for receiving from said server trading processing information including a present status of processing for processing initiated for said order, a present status of processing for delivery of said product corresponding to said order, a present status of processing for payment processing for said trading, and the trading identifier [col. 16, line 65 to col. 17, line 8; "If the user selects Check Order Status...the system moves to state 1308, Display Order Status Info. At state 1308, the system can access an existing order by number or other means of identification and display the status of any/all items in the selected order." A reasonable inference to be drawn from this is that "the status of any/all items in the selected order" includes the status of processing, delivery, and payment--inasmuch as the status of these items would typically be of utmost importance with respect to the remote ordering of food]; and

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an updating device for comparing said trading identifier included said trading information with said trading identifier included in said trading processing information, adding said trading processing information to said trading information stored in said storage device if they are coincident [Figure 5; col. 16, lines 52-54; discussing the login procedure, which inherently requires such a comparison], and adding said trading processing information to said trading information stored in said storage device if they are not coincident [col. 16, line 65 to col. 17, line 8; as such, the information would have to be stored in a computer system, e.g., main memory, DASD].

*Camaisa et al.* do not expressly disclose outputting a warning if the trading identifiers are not coincident. Official notice is taken that outputting warning messages when invalid information is detected is old and well known in the computer arts. At the time the invention was made, it would have been obvious to one skilled in the art to output a warning message if the trading identifiers are not coincident. The motivation would have been to ensure that information be transmitted to users having the proper authority to view such information.

Claim 25 recites the same limitations as Claim 17, and is rejected for the same reasons.

As per Claim 19, *Camaisa et al.* disclose a transmitting device for sending to said server a transmission request for trading processing information including the trading identifier included in said trading information received from said server in order to receive said trading processing information from said server [col. 16, line 65 to col. 17, line 8; "If the user selects Check Order Status...the system moves to state 1308, Display Order Status Info. At state 1308, the system can

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access an existing order by number or other means of identification and display the status of any/all items in the selected order.” Also see Figure 14 (“Order I.D.”)].

5. Claims 18 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Camaisa et al., U.S. Patent No. 5,845,263, in view of “*On the Fast Track with Total Track: UPS Deploys Mobile Data Service* (Towle)”.

As per Claim 18, *Camaisa et al.* do not disclose a coincidence check device for comparing said data on the contents of said order with said present status of processing for the processing initiated for said order, said present status of processing for delivery of said product corresponding to said order, and said present status of processing for the payment processing for said trading included in said trading processing information, and outputting a warning if erroneous conditions are included. However, *Towles* teaches comparing said data on the contents of said order included in said trading information with said present status of processing for the processing initiated for said order; said present status of processing for delivery of said product corresponding to said order [*Towles* discloses a software system used by UPS to track packages that not only determines where a package is supposed to be but also where it actually is (page 2, col. 2, last full paragraph, under heading “Smart Scanning”. The system will notify persons (i.e., warn them), if the package is shipped to the wrong destination. *Towles* inherently teaches that the system compares the “trading information” which would contain information as to where the package should have been sent, to the present status -- actual delivery, and issues a warning message if different]. It would have been obvious to combine *Towles* with the method of

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*Camaisa et al.* The motivation would have been to provide a means for warning a customer that the information he or she entered during order processing was not being processed in accordance with the original order.

Claim 26 recites the same limitations as Claim 18, and is rejected for the same reasons.

6. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Camaisa et al.*, U.S. Patent No. 5,845,263, in view of *Kehnemuyi et al.*, U.S. Patent No. 4,975,841.

As per Claim 20, *Camaisa et al.* do not disclose that the transmitting device transmits a time at which said trading processing information is to be received, together with said transmission request for said trading processing information. *Kehnemuyi et al.* teach that the transmitting device transmits a time at which said trading processing information is to be received, together with said transmission request for said trading processing information [Figure 2; he discloses setting a predetermined time for automatically contacting customers with customer order status information. Abstr. "The customer order data includes product order information, scheduled and actual shipping dates and each customer's telephone number" Figure 1; Under *Kehnemuyi et al.*, the predetermined time and request would be transmitted to a mainframe computer attached to a network of PC's. The mainframe would therefore be a "server"]. It would have been obvious to one skilled in the art at the time the invention was made to combine *Kehnemuyi et al.* with *Camaisa et al.* The motivation would have been to provide customers with order status information on a regular, timely basis in order to proactively deal with problems that might arise with customer orders.

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7. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Camaisa et al., U.S. Patent No. 5,845263, in view of “*Frontiers of Electronic Commerce* (Kalakoda et al.)”.

As per Claim 22, *Camaisa et al.* do not disclose a recording device for displaying said trading information, selecting a portion of information from said trading information, creating new order information by modifying said selected information, and transmitting said new order information to said server. *Kalakoda et al.* teach these features. [page 287, under heading “Postpurchase Interaction”; “As long as there is payment for services, there will be refunds, disputes, and other customer services issues that need to be considered....To compound the problem, most companies design their mercantile processes for one-way merchandise flow: outbound to the customer. That means returns and claims must flow upstream, against the current, creating logistical messes and transactional snarls--and extremely dissatisfied customers.” When a customer requests a refund or wishes to return the product, this is seen to be modifying the order information]. It would have been obvious to one skilled in the art at the time the invention was made to incorporate order of *Kalakoda et al.* into the modification feature into *Camaisa et al.* The motivation would have been to increase customer satisfaction.

8. Claim 21 is are rejected under 35 U.S.C. 103(a) as being unpatentable over Camaisa et al., U.S. Patent No. 5,845263, in view of Cameron, U.S. Patent No. 5,592,378.

As per Claim 21, *Camaisa et al.* do not disclose that said server includes a shopping server dedicated to sales of products in the electronic commerce, a payment managing server



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dedicated to payment processing for said sales of products in response to an instruction from said shopping server, and a delivery managing server dedicated to delivery processing in said sales of products in response to an instruction from said shopping server, and said trading information includes destination addresses of said shopping server, said payment managing server, and said delivery managing server. *Cameron* teaches a computerized order entry system with all these elements [col. 13, line 41; his "Order Capture Module" is applicant's shopping server; col. 10, line 61; his "Billing Module" is applicant's payment managing server; col. 18, line 11; his "Shipping Module" is applicant's delivery managing server]. It would have been obvious to one skilled in the art at the time the invention was made to combine *Cameron et al.* with *Camaisa*. The motivation would have been to provide an efficient architecture in which commonly executed tasks are executed on distinct servers.

***Allowable Subject Matter***

9. Claims 1-14 and 29-36 are allowable.
10. The following is a statement of reasons for the indication of allowable subject matter:

The prior art, when considered as a whole, fails to teach or fairly suggest an electronic commerce support method for managing trading in a client connected to a server for providing electronic commerce services to receive the electronic commerce services, comprising the steps of: transmitting an order for a product on the electronic commerce in response to an input by a user to said server through a communication network; receiving trading information including an e-mail address, a trading identifier associated with said order and data on the contents of said order from said communication network, and storing, when said e-mail address coincides with an address of said server to which said order was transmitted, said trading information in a storage device; receiving from said communication network trading processing information including an e-mail address, a present status of processing for processing initiated for said order, a present status of

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processing for delivery of said product corresponding to said order, a present status of processing for payment processing for said trading, and the trading identifier; and comparing said trading identifier and said e-mail address included in said trading information with said trading identifier included in said trading identifier included in said trading processing information, and outputting a warning if they are not coincident, and adding said trading processing information to said trading information stored in said storage device if they are coincident; as specifically recited in the claims and defined by the specification.

### *References Cited*

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Cameron et al (5,832,459) disclose a computerized source searching system and method for the placement of an order.

Brown et al. (4,972,318) disclose a method of order entry, product selection and inventory control for building products.

Hartheimer et al (5,305,200) disclose a distributed processing on-line automated securities trading system.

Lupien et al (5,101,353) disclose an automated system for managing one or more large investor portfolios.

Schrader et al (5,649,115) disclose a tracking method and apparatus that includes a wallet metaphor for tracking customer purchases.

*PC Week* (July 1, 1996) discloses that Federal Express had a Web site that allows customers to track packages.

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*Information Today* (Nov/Dec 1995) discloses that Federal Express opened a "store" on the CompuServe's Electronic Mall that offered 24-hour package status tracking, plus many other services for business and residential customers.

Bowater et al (EP 0794650A2) disclose a system for voice mail over the Internet.

***Conclusion***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Morgan whose telephone number is (703) 306-2906. The examiner can normally be reached on Monday to Friday from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Todd Voeltz, can be reached on (703) 305-9714. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-0040.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

April 4, 2000

D.M.

  
EMANUEL TODD VOELTZ  
SUPERVISORY PATENT EXAMINER  
GROUP 2700